

# **TOWNSHIP OF CHATHAM TOWNSHIP COMMITTEE AGENDA**

**April 11, 2019**  
April 11, 2019 Draft

## **Meeting Called to Order**

**Adequate Notice** of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 4, 2019; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 4, 2019; and notice was filed with the Township Clerk on January 4, 2019.

## **Flag Salute**

## **Roll call**

## **Approval of Agenda**

## **Proclamation – Local Government Week**

## **Reports:**

**Hearing of Citizens/Petitions** Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

## **Public Hearing/Final Adoption of Ordinances**

1. Ordinance 2019-05 Colony Pool Fees
2. Ordinance 2019-06 Open Space Tax Reduction

## **Introduction of Ordinances**

1. Ordinance 2019-07 Accepting Deed of Conservation Easement for Block 61 Lot 16

**Consent Agenda** (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

1. Resolution 2019-095 Payment of Bills
2. Resolution 2019-096 Approving Meeting Minutes
3. Resolution 2019-097 Approving Executive Session Minutes
4. Resolution 2019-098 Outside Lien Redemption
5. Resolution 2019-099 Refunding Overpayment of Taxes
6. Resolution 2019-100 Designating Bond Anticipation Note
7. Resolution 2019-101 Appointing Plumbing Official
8. Resolution 2019-102 Authorizing Administrator to Interview & Select Township Doctor & Alternate Doctor for Physicals and Fit-for-Duty Exams
9. Resolution 2019-103 Renewing Contract with City Connections
10. Resolution 2019-104 Authorizing Administrator and Clerk to Sign Application for Development

## **Discussion: possible ordinance or resolution**

1. Lot Grading Fees
2. Technology Advisory Committee
3. Fairmount Avenue Sidewalk Extension Project Grant
4. Time Limits for Public Comment

## **Hearing of Citizens (Time Permitting)**

## **Executive Session\* – Resolution 2019-P-05**

1. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15

## **Adjourn**

\*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

**ORDINANCE 2019-05**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, ESTABLISHING POOL MEMBERSHIP FEES FOR  
COLONY RECREATION CENTER COMMENCING 2019**

**BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Section 20-1 of the Township Code is hereby amended to read as follows:

- 1.     **20-1 POOL MEMBERSHIP FEES AT THE COLONY RECREATION CENTER.**
  - a.     The following schedule of Colony Recreation Center Fees for Pool Membership is hereby established:

<b>Chatham Township Resident Rates</b>	
Family – includes parent(s) and children under 23 years old	\$500
Couple	\$385
Individual – 14 years and older	\$250
Senior Citizen – 62 or older	\$50
Senior Citizen couple – one must be 62 or older	\$100
Babysitter/nanny/parent helper (must accompany family member)	\$100
Adult twilight daily fee (4:30 P.M. until closing) (Township Residents only)	\$5
<b>Non-Resident Rates</b>	
Family – includes parent(s) and children under 23 years old	\$650
Couple	\$525
Individual – 14 years and older	\$300
Senior Citizen – 62 or older	\$50
Senior Citizen couple – one must be 62 or older	\$100
Babysitter/nanny/parent helper (must accompany family member)	\$150
<b>Daily Guest – accompanied by Member</b>	\$10

**No refunds will be made after opening day.**

- b. *Reduced Fees for Emergency Response Organization Volunteers.* Active members of the Chatham Emergency Squad, Green Village Volunteer Fire Department, and Chatham Township Volunteer Fire Department, who are eligible for the Length of Service Award Program (LOSAP), shall be entitled to a fifty (50%) percent reduction in the fee for the appropriate pool membership category listed above.
  - 2. The Township Administrator, in consultation with the Colony Recreation Center liaison, may authorize special promotional events and offer special discounts to promote Colony Recreation Center membership.
  - 3. This ordinance shall take effect as provided by law.

Introduced: March 28, 2019  
  
Adopted:  
  
Attest:

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY  
  
  
  
BY: \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**ORDINANCE 2019-06**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
STATE OF NEW JERSEY, AMENDING THE PROVISIONS FOR THE FUNDING OF  
OPEN SPACE ACQUISITION**

**WHEREAS**, the Township Committee of the Township of Chatham wishes to reduce the tax levy for the contribution to the Open Space Reserve as set forth at Chapter 2, Article VIII, Section 2-75, Open Space Trust Fund for the tax year 2019;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, are amended to provide for modifications to Chapter II, Subsection 2-75.2, Funding of the Reserve for Open Space Acquisition, as follows:

**1. 2-75.2 Funding of the Reserve for Open Space Acquisition.**

The Reserve for Open Space Acquisition shall be funded through the dedication to the fund of an amount of one (\$.01) cent per one hundred (\$100.00) dollars of assessed valuation for the tax levy for the year 2019. The Reserve shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Reserve may be utilized for the acquisition of land, easements, or development rights in land within the Township, including use for active and passive recreation, the development and maintenance of municipal properties to be used for active and passive recreation, or as a down payment for the issuance of bonds for the same purposes at the discretion of the Township Committee. Any and all interest accruing on said funds shall be placed into the Reserve for Open Space Acquisition. Unless the Township Committee takes further action, the annual tax levy for the Reserve for Open Space Acquisition shall return to two (\$.02) cents per hundred (\$100.00) dollars of assessed valuation commencing with the tax levy for the year 2020.

**2.** All other provisions of Chapter II, Article VIII, Section 2-75, shall remain unchanged.

**3.** This ordinance shall take effect as provided by law.

Introduced: March 28, 2019

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

BY: \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**ORDINANCE 2019-07**

**ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,  
ACCEPTING DEED OF CONSERVATION EASEMENT FROM GOLDEN RIVER  
HOMES, LLC, FOR A CONSERVATION EASEMENT ON AND OVER LOT 16 IN  
BLOCK 61 AS SHOWN ON THE TOWNSHIP OF CHATHAM TAX MAP AND  
COMMONLY KNOWN AS 11 SUNSET DRIVE**

**WHEREAS**, Golden River Homes, LLC, is the owner in fee of real property located at 11 Sunset Drive and designated on the Township of Chatham Tax Map as Lot 16, Block 61 (“Property”); and

**WHEREAS**, approval was granted to Golden River Homes, LLC, by the Township of Chatham Board of Adjustment to build a single family house with variances on the Property as memorialized by Resolution BOA17-61-16, adopted June 21, 2018, and Golden River Homes, LLC, agreed to subject a portion of the Property to a conservation easement in recognition of environmental values and consistent with the requirements and purposes of the Township Land Development Ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

**Section 1.** The attached Deed of Conservation Easement is hereby accepted.

**Section 2.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 3.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect according to law.

Introduced: April 11, 2019

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

Adopted:  
Attest:

BY: \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2019-096**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM APPROVING MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on March 28, 2019.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

DRAFT

**RESOLUTION 2019-097**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

**BE IT RESOLVED** that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on March 28, 2019.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

DRAFT

**RESOLUTION 2019-098**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
REFUNDING TAX AND SEWER LIEN**

**WHEREAS**, due to payment by property owner of the lien amount, a redemption of a tax and sewer lien is appropriate; and

**WHEREAS**, the Tax Collector has recommended the refund of such tax and sewer lien.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham that the following refund be made as indicated:

<u>BLOCK</u>	<u>LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
84	11	<b>Lienholder:</b> Skyfall Capital, LLC 184 S. Livingston Ave Ste 9-152 Livingston, NJ 07039  Certificate #13-00005 Larkey, Robin & Tracy  104 Pine St	\$223,167.26 Certificate

**BE IT FURTHER RESOLVED** that the Tax Collector is authorized to prepare and sign a Discharge of Certificate 13-00005.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2019-099**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
REFUNDING OVERPAYMENT OF TAXES**

**WHEREAS**, an overpayment of property taxes has been made for the following  
properties; and

**WHEREAS**, the Tax Collector has recommended the refund of such overpayment,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the  
Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME &amp; ADDRESS</u>	<u>AMOUNT</u>
31	12	Caprarola, Joseph A. 70 Ormont Road Chatham Township, New Jersey 07929	\$3,040.95 1 <sup>st</sup> Quarter 2019 Overpayment of Taxes
65.03	5.01	Brickman, Lee D. 56 Canterbury Road Chatham Township, New Jersey 07928	\$356.97 3 <sup>rd</sup> Quarter 2019 Overpayment of Taxes

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk



**RESOLUTION 2019-100**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, DESIGNATING A \$9,161,839 BOND ANTICIPATION NOTE, DATED APRIL 9, 2019 AND PAYABLE APRIL 9, 2020, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

**WHEREAS**, the Township of Chatham, in the County of Morris, New Jersey (the "Township"), intends to issue a \$9,161,839 Bond Anticipation Note, dated April 9, 2019 and payable April 9, 2020 (the "Note"); and

**WHEREAS**, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, as follows:

**SECTION 1.** The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

**SECTION 2.** It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2019.

**SECTION 3.** It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2019.

**SECTION 4.** The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

**SECTION 5.** The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2019 dated as of the date of delivery of the Note.

**SECTION 6.** This resolution shall take effect immediately upon its adoption.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2019-101**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPOINTING A PLUMBING SUB-CODE OFFICIAL.**

**BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, New Jersey that Al Fisch is hereby appointed to serve as the Plumbing Sub-code Official for the Township of Chatham effective May 1, 2019 under a services contract. Billing shall be monthly for actual hours worked at a rate as set forth in the Salary Resolution.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2019-102**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO INTERVIEW AND SELECT A TOWNSHIP DOCTOR AND ALTERNATE DOCTOR**

**WHEREAS**, there are occasions when the Township requires the services of a doctor to conduct physicals so employees can return to work; and

**WHEREAS**, these services are not covered by the Morris County Joint Insurance Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, New Jersey that the Township Administrator is authorized to interview and select a Township Doctor and an Alternate Township Doctor to provide these services.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**RESOLUTION 2019-103**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
CHATHAM AUTHORIZING A CONTRACT FOR WEBSITE DEVELOPMENT AND  
MAINTENANCE WITH CITY CONNECTIONS**

**WHEREAS**, the Township of Chatham wishes to enter into an updated professional services agreement with our long-time partner City Connections, LLC for the development, storage and maintenance of the Township website; and

**WHEREAS**, the City Connections, LLC submitted a proposal for a contract period from December 17, 2018 to December 16, 2019; and

**WHEREAS**, the contract is in the amount of \$7,920.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Chatham hereby authorizes the entering of a contract with City Connections, LLC in the base amount of \$7,920.00 with additional services as outlined in their proposal for a one year term commencing December 17, 2018, and hereby authorizes the Mayor, Clerk and Township Administrator to execute all necessary documentation to effectuate the contract.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

**CERTIFICATION OF THE AVAILABILITY OF FUNDS**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-14.5, and any other applicable requirement, I, Debra A. King, Chief Financial Officer of the Township of Chatham, have ascertained that there will be available sufficient, uncommitted appropriations upon adoption of the 2019 Municipal Budget to award a contract to City Connections, LLC in the maximum amount of \$7,920.00.

\_\_\_\_\_  
Debra A. King  
Chief Financial Officer

## **RESOLUTION 2019-104**

### **A RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, AUTHORIZING THE MAYOR, ADMINISTRATOR AND CLERK TO SIGN APPLICATIONS FOR DEVELOPMENT OF THE SKATE PARK A/K/A ARBOR GLEN AT CHATHAM FOR TWENTY-FOUR (24) LOW AND MODERATE INCOME RESIDENTIAL HOUSING UNITS**

**WHEREAS**, the Township of Chatham is the owner of Lot 117.27, Block 48.16 as shown on the Township Tax Map ("Property"); and

**WHEREAS**, the Township designated a portion of the Property for the construction of twenty-four (24) low and moderate income residential units ("Development"); and

**WHEREAS**, the Township designated a portion of the Property as an area in need of non-condemnation redevelopment, adopted a Redevelopment Plan, and designated a Redeveloper; namely, Southern Boulevard Urban Renewal, LLC ("Southern Boulevard"); and

**WHEREAS**, Southern Boulevard, as the designated Redeveloper of a portion of the Property, will obtain all necessary approvals to construct the Development in accordance with law; and

**WHEREAS**, Southern Boulevard will periodically need to apply to governmental agencies or utilities for approvals or permits to build the Development; and

**WHEREAS**, these governmental agencies include but are not limited to: Township Planning Board, County of Morris Planning Board, Morris County Soil and Sediment Control, New Jersey Department of Environmental Protection and utilities including but not limited to: New Jersey American Water Company; and

**WHEREAS**, before those Applications are filed, the Township Administrator, Attorney and Engineer will review each Application; and

**WHEREAS**, the Township's consent is required before these Applications are filed, which consent shall be evidenced by the signature of the Mayor, Administrator or Clerk; and

**WHEREAS**, the Township's consent to the submission of an Application should not be construed as an approval of the plans as submitted and are subject to change, modification or revision based ultimately upon the approval of the Township Planning Board for the Development; and

**WHEREAS**, conditions imposed by any of these governmental agencies or utilities are subject to acceptance and approval by the Township and may require further change, modification or revision to the Application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the  
Township of Chatham, County of Morris, State of New Jersey, as follows:

1. All of the above recitals are incorporated into this section as if set forth at length.
2. That the Mayor, Administrator and Clerk are hereby authorized to sign those Applications for development of a portion of the Property for twenty-four (24) low and moderate income residential units.
3. That any consent of the Township should not be construed as an approval of the plans as submitted and are subject to change, modification or revision based upon the ultimate approval of the Township Planning Board for the Development.
4. Conditions imposed by any governmental agency or utility are subject to acceptance and approval by the Township and may require a change, modification or revision to the application.
5. Southern Boulevard Urban Renewal, LLC, by the submission of an application to the Township for consent accepts the terms and conditions of this Resolution.
6. That a certified copy of the Resolution be forwarded by the Clerk to Southern Boulevard Urban Renewal, LLC.
7. This Resolution shall take effect immediately.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

\_\_\_\_\_  
Gregory J. LaConte, Clerk

By \_\_\_\_\_  
Tayfun Selen, Mayor

**RESOLUTION 2019-P-05**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,  
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE  
PUBLIC EXCLUDED**

**WHEREAS**, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation: In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: April 11, 2019

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

By \_\_\_\_\_  
Tayfun Selen, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk